IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.2342 OF 2004
IN
SUIT NO.99 OF 2000
(CONVERTED FROM PROBATE PETITION NO.1358 OF 1999)
IN
PETITION FOR PROBATE OF THE LAST WILL AND TESTAMENT OF ADRIANA DIAS E SOUTO .. DECEASED

Ms.Bridget Philomena Souto .. Plaintiffs/ Petitioner

Vs.

Mrs.Monica Nazareth .. Defenant/ Caveator

Ms.B.P.Souto for the petitioner in person

Mrs.M.Nazreth for the defendant in person

CORAM : S.U.KAMDAR, J

DATED : 22ND JULY 2005

P.C.:

. The present Notice of Motion is taken out to deregister the suit and revert the matter back to the Probate Petition. Plaintiff who is appearing in person states that there is no caveat. In view of arbitration agreement between the parties the present application is taken out . It is now well settled that probate petition cannot be decided by the Arbitrator. In view thereof, the present motion is not maintainable. Same is

dismissed accordingly.